

Industry Circular



Internal Revenue Service

Alcohol, Tobacco, and Firearms Division
Washington, D.C. 20224

Industry Circular No. 70-5

January 22, 1970

MANUFACTURE AND USE OF LIQUOR BOTTLES

Proprietors of Distilled Spirits Plants,
Manufacturers of Liquor Bottles,
Importers, and Others Concerned:

The purpose of this Industry Circular is to remind proprietors of distilled spirits plants, manufacturers of liquor bottles, importers, and others concerned regarding certain requirements relating to liquor bottles and to changes made in some of those requirements by Treasury Decision 7020, also, to invite comments on any problems encountered in complying with these requirements. This is particularly pertinent to users of ceramic and other liquor bottles which the Director may approve as distinctive.

We call your attention to the provisions of 27 CFR Part 5, Subpart E (as revised and published in the Federal Register on December 30, 1969) - especially the following:

- 5.46(a) General. A standard liquor bottle shall be one so made and formed, and so filled, as not to mislead the purchaser. ***
- (b) A liquor bottle of a capacity of one-half pint or more shall be held to be so filled as to mislead the purchaser if it has a headspace in excess of 8 percent of the total capacity of the bottle after closure.
- (c) A liquor bottle shall be held (irrespective of the correctness of the stated net contents) to be so made and formed as to mislead the purchaser, if its actual capacity is substantially less than the capacity it appears to have upon visual examination under ordinary conditions of purchase or use.
- 5.48 Exceptions.
- (a) The provisions of the "headspace" and "design" requirements in Section 5.46 shall not apply to liquor bottles of unusual design as may, from time to time, be specifically excepted from these requirements by the Director pursuant to applica-

tion filed with the Director by the bottler or importer as the case may be.

These provisions are applicable to all liquor bottles containing distilled spirits (1) packaged at distilled spirits plants for domestic use, (2) imported, or (3) brought into the United States from Puerto Rico and the Virgin Islands. Please note that the foregoing provisions of section 5.46 are restatements of earlier provisions except that cordials, liqueurs, and specialties will no longer be exempt from such provisions.

Your attention is also directed to the provisions of 26 CFR 201, 250 and 251 which authorize the Director to disapprove any bottle for use as a liquor bottle which he determines to be deceptive. This authority extends to all bottles used, or intended for use, for bottling of distilled spirits or for containing distilled spirits brought into the United States for sale. Liquor bottles of unusual design or shape, whether or not they bear the required indicia, must be so designed as not to be deceptive in any respect, unless an exception is obtained under section 5.48. We are bringing this matter to your attention so that you may avoid manufacturing, acquiring or using liquor bottles, or importing filled liquor bottles, which do not conform to the regulatory requirements.

Our experience has been that many bottles submitted for approval as being distinctive fail to meet all of the above mentioned requirements. We understand that in the manufacture of certain liquor bottles, especially those of distinctive or unusual design, problems in meeting regulatory requirements may be encountered which are not common to standard glass bottles. We invite your comments and background information concerning such problems. Inquiries or comments concerning this circular should refer to its number and be addressed to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D. C. 20224, Attention: CP:AT:P.



Harold A. Serr, Director
Alcohol, Tobacco and Firearms Division